

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 10/722,180

EXAMINER: Zhu, Bo Hui Alvin

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ART UNIT: 2619

INVENTOR: Pankaj Mehra

CONFIRMATION NO.: 7005

ATTORNEY DOCKET NUMBER 200301299-3

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a reply to the Examiner's Answer dated 07/31/2008.

CLAIMS 1, 16, AND 32

Claim 1 specifies first nodes, first forwarding nodes, and second nodes. Baty *et al.* specifies nodes having ports, and busses coupling ports. In the examiner's characterization of Baty *et al.*, Baty's nodes correspond to the first nodes of claim 1, Baty's busses correspond to the first forwarding nodes of claim 1, and Baty's ports correspond to the second nodes of claim 1. In the Appeal Brief, the applicant submitted that it was inappropriate to characterize ports as nodes. In response (Examiner's Answer, page 10), the examiner points to applicant's claim 24, which says that forwarding nodes may be routers, switches, crossbars, optical rings, backplanes, busses, interconnections, and links. Applicant's claim 24 does not say nodes can be ports. In both the present application, and in Baty *et al.*, nodes other than forwarding nodes have ports, and nodes are connected to forwarding nodes (for example, busses) through their ports (for example, see present application paragraph [0059], and see Baty *et al.* column 3, lines 62-64).

From MPEP 2111.01, terms must be interpreted broadly but not so broadly as to be inconsistent with the specification:

The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation >in light of the specification<.). This means that the words of the claim must be given their plain meaning unless **>the plain meaning is inconsistent with< the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (discussed below); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004)

Assuming for the sake of argument that the ports of Baty *et al.* correspond to the second nodes of claim 1, the resulting correspondence leads to logical inconsistencies. Claim 1 specifies that each of the second nodes is interconnected to every other second node. However, each port in Baty *et al.* is not interconnected to every other port. In figure 1, for example, there is no interconnection between port 12a and port 14b. The examiner asserts that second nodes are interconnected through the interface sections on the first nodes. First, while each node may be connected to a port through an interface section, there is no teaching or suggestion in Baty *et al.* that ports are interconnected through the interface section (see, for example, Baty *et al.*, column 5, lines 3-11). Second, if all the ports are interconnected, then that is inconsistent with the examiner's assertion that each pair of first nodes appears in only one group of the b groups. For the last part of claim 1, the examiner has characterized groups of first nodes as every port connected to a bus (Examiner's Answer, page 10). However, if all second nodes are interconnected, then all busses (groups) are also interconnected, and therefore each first node appears in every group, which conflicts with the first part of claim 1.

The above arguments apply equally to independent claims 16 and 32.

Respectfully submitted,

KLAAS, LAW, O'MEARA & MALKIN, P.C.

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